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EXTRAORDINARY

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## MINISTRY OF LAW

*New Delhi, the 9th December, 1954*

The following President's Acts enacted on the 9th December, 1954 are published for general information:—

### THE INDIAN BAR COUNCILS (ANDHRA AMENDMENT) ACT, 1954

No. 7 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December, 1954]

An Act further to amend the Indian Bar Councils Act, 1926, in its application to the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Indian Bar Councils (Andhra Amendment) Act, 1954.

(2) It extends to the whole of the State of Andhra.

(3) It shall come into force on the 9th day of December, 1954.

**2. Amendment of section 4, Act XXXVIII of 1926.**—In section 4 of the Indian Bar Councils Act, 1926 (hereinafter referred to as the principal Act),—

(a) to sub-section (2), the following *Explanation* shall be added, namely:—

*“Explanation.*—For the purpose of election to the Bar Council for the High Court of Andhra the period of ten

years aforesaid shall be computed after taking into account the period for which the person concerned was entitled as of right to practise in the High Court at Madras before the 5th day of July, 1954";

(b) in the proviso to sub-section (4), after the words "Advocates-General of", the word "Andhra" shall be inserted, and after the word "constituted", the words "for the High Court of Andhra and" shall be inserted.

**3. Insertion of new section 5A in Act XXXVIII of 1926.**—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Ad hoc Bar Council for Andhra High Court.*—Notwithstanding anything contained in this Act, the Chief Justice of the High Court of Andhra shall nominate the members of the first Bar Council under this Act for the High Court of Andhra, and the members so nominated shall remain in office for a period of six months."

**4. Repeal of Andhra Ordinance I of 1954.**—(1) The Indian Bar Councils (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance I of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

President.

#### *Reasons for the enactment*

Consequent on the establishment of a separate High Court for the State of Andhra, it became necessary to constitute a Bar Council for it as required by section 3(1) of the Indian Bar Councils Act, 1926 (XXXVIII of 1926). But as there were difficulties in having a Bar Council consisting of members elected by the advocates of the High Court and as the absence of a Bar Council even for some time would be a bar to the enrolment of advocates, it was considered that an *ad hoc* Bar Council might be constituted for a period of six months so that a Bar Council might be constituted thereafter in the manner provided in the Act.

Section 4(2) of the Act requires not less than five of the elected members of the Bar Council to be persons who have for not less than ten years been entitled as of right to practise in the High Court for which the Bar Council has been constituted. As the High Court of Andhra was constituted only on the 5th July, 1954, no member of the Bar practising in that High Court would be eligible for being elected as a member of the Andhra Bar Council unless provision is made for taking into account his standing as an advocate in the High Court at Madras also.

In order to provide for the above, the Act was amended by the Indian Bar Councils (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance I of 1954). The present enactment replaces that Ordinance and also amends the proviso to section 4(4) so as to enable the Advocate-General, Andhra, to be the *ex-officio* Chairman of the Bar Council, as in Madras.

A. V. PAI,  
*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

SRI VENKATESWARA UNIVERSITY  
(AMENDMENT) ACT, 1954

No. 8 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December, 1954]

An Act to Amend Sri Venkateswara University Act, 1954.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title and commencement.**—(1) This Act may be called Sri Venkateswara University (Amendment) Act, 1954.

(2) It shall come into force on the 9th day of December, 1954.

**2. Amendment of section 10, Andhra Act XIV of 1954.**—In sub-section (1) of section 10 of Sri Venkateswara University Act, 1954 (Andhra Act XIV of 1954), for the words "The Chief Justice", the words "The Chief Justice of the High Court of Andhra" shall be substituted, and shall be deemed always to have been substituted.

**3. Repeal of Andhra Ordinance II of 1954.**—Sri Venkateswara University (Amendment) Ordinance, 1954 (Andhra Ordinance II of 1954), is hereby repealed.

RAJENDRA PRASAD,  
*President.*

*Reasons for the enactment*

Sub-section (1) of section 10 of Sri Venkateswara University Act, 1954 (Andhra Act XIV of 1954), provides that the Chief Justice shall be the Chancellor. As the intention was to refer to the Chief Justice of Andhra, this was made explicit by Sri Venkateswara University (Amendment) Ordinance, 1954 (Andhra Ordinance II of 1954). The present enactment replaces this Ordinance.

A. V. PAI,  
*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

## THE MADRAS TENANTS AND RYOTS PROTECTION (ANDHRA AMENDMENT) ACT, 1954

No. 9 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December, 1954]

An Act further to amend the Madras Tenants and Ryots Protection Act, 1949.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Madras Tenants and Ryots Protection (Andhra Amendment) Act, 1954.

(2) It shall come into force on the 9th day of December, 1954.

**2. Amendment of section 1, Madras Act XXIV of 1949.**—In subsection (3) of section 1 of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), as in force immediately before the commencement of the Madras Tenants and Ryots Protection (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance VII of 1954), for the figures, letters and word, “7th October 1954”, the figures, letters and word, “7th October 1956” shall be substituted.

**3. Repeal of Andhra Ordinance VII of 1954.**—(1) The Madras Tenants and Ryots Protection (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance VII of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

*President.*

### *Reasons for the enactment*

Section 1(3) of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), as amended by Madras Act XIV of 1953, provided that the Act was to remain in force up to and inclusive of the 7th October, 1954. There are still many estates which have not yet been taken over under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, and the Government of Andhra therefore decided that the life of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), should be continued for a further period of two years beyond the

7th October, 1954. To achieve this object, Andhra Ordinance VII of 1954 was promulgated. The present enactment replaces this Ordinance and extends the life of the Act up to the 7th October, 1956.

A. V. PAI,

*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

## THE SOCIETIES REGISTRATION (ANDHRA AMENDMENT) ACT, 1954

NO. 10 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December 1954]

An Act further to amend the Societies Registration Act, 1860, in its application to the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Societies Registration (Andhra Amendment) Act, 1954.

(2) It extends to the whole of the State of Andhra.

(3) It shall be deemed to have come into force on the 1st day of October, 1954.

**2. Amendment of Act XXI of 1860.**—In the Societies Registration Act, 1860 (hereinafter referred to as the principal Act),—

(i) in section 1, for the words “the Registrar of Joint-stock Companies”, the words and brackets “the Inspector-General of Registration (hereinafter referred to as the Inspector-General)” shall be substituted;

(ii) to the same section, the following *Explanation* shall be added, namely:—

*“Explanation.—‘Inspector-General of Registration’ means the Inspector-General of Registration appointed by the State Government under section 3 of the Indian Registration Act, 1908 (XVI of 1908), and includes any officer subordinate to the Inspector-General, not below the rank of District Registrar, to whom the State Government may delegate the functions of the Inspector-General under this Act.”.*

**3. Substitution of “Inspector-General” for “register”, etc.**—In the principal Act, for the words “the registrar” in sections 3 and 19, and for the words “the Registrar of Joint-stock Companies” in sections 4 and 18, wherever they occur, the words “the Inspector-General” shall be substituted.

**4. Saving.**—Any document filed with, or certificate issued by, the Registrar of Joint-stock Companies under the principal Act before the commencement of this Act shall, after such commencement, be as effectual for all purposes as if it had been filed with, or issued by, the Inspector-General of Registration under the principal Act as amended by this Act.

**5. Repeal of Andhra Ordinance V of 1954.**—The Societies Registration (Andhra Amendment) Ordinance, 1954 (Andhra Ordinance V of 1954), is hereby repealed.

RAJENDRA PRASAD,  
*President.*

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*Reasons for the enactment*

The Societies Registration Act, 1860 (XXI of 1860), entrusts the administration of the Act to the Registrar of Joint-stock Companies. In Andhra, the Inspector-General of Registration, an officer of the State Government, was also *ex officio* the Registrar of Joint-stock Companies. On the centralisation of the administration of the Indian Companies Act, 1913 (VII of 1913), with effect from the 1st October, 1954, the Registrar of Joint-stock Companies has come under the administrative control of the Central Government. The Government of Andhra considered it necessary to continue to entrust the administration of the Societies Registration Act to a State Government officer and the Act was therefore amended by Andhra Ordinance V of 1954 so as to provide for the administration of the Act by the Inspector-General of Registration instead of by the Registrar of Joint-stock Companies. The present enactment replaces that Ordinance.

A. V. PAI,  
*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

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THE MADRAS MOTOR VEHICLES (TAXATION OF  
PASSENGERS AND GOODS) ANDHRA  
AMENDMENT ACT, 1954

NO. II OF 1954

Enacted by the President in the Fifth Year of the Republic of  
India.

[9th December 1954]

An Act to amend the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Madras Motor Vehicles (Taxation of Passengers and Goods) Andhra Amendment Act, 1954.

(2) It shall be deemed to have come into force on the 18th day of September, 1953.

**2. Amendment of section 3, Madras Act XVI of 1952.**—In section 3 of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952),—

(i) the first proviso shall be omitted;

(ii) in the second proviso, the word “further” shall be omitted.

**3. Repeal of Andhra Ordinance III of 1954.**—The Madras Motor Vehicles (Taxation of Passengers and Goods) Andhra Amendment Ordinance, 1954 (Andhra Ordinance III of 1954), is hereby repealed.

RAJENDRA PRASAD,

*President.*

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*Reasons for the enactment*

The first proviso to section 3 of the Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952 (Madras Act XVI of 1952), prohibits an operator from charging a fare which, inclusive of the tax leviable under the Act, will exceed the maximum fare prescribed by the Government under the Motor Vehicles Act, 1939. The Madras High Court has held in a recent judgment that this proviso is unconstitutional and invalid. Andhra Ordinance III of 1954 therefore omitted the proviso with effect from the date of the decision of the High Court, viz., the 18th September, 1953, and the present enactment seeks to replace the said Ordinance.

A. V. PAI,

*Secy. to the Govt. of India,*

*Ministry of Home Affairs.*

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THE ANDHRA PRESERVATION OF PRIVATE  
FORESTS ACT, 1954

No. 12 OF 1954

Enacted by the President in the Fifth Year of the Republic of India.

[9th December 1954]

An Act to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title, application, commencement and duration.**—(1) This Act may be called the Andhra Preservation of Private Forests Act, 1954.

(2) It applies—

(i) to forests situated in estates as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908), in the State of Andhra;

(ii) to private forests situated in other areas in the State of Andhra and having a contiguous area exceeding 100 acres which may be declared by the State Government to be forests for the purposes of this Act by notification in the Andhra Gazette,

but does not apply to reserved forests constituted under the Madras Forests Act, 1882 (Madras Act IV of 1882), and lands at the disposal of the Government as defined in that Act.

(3) It shall be deemed to have come into force on the 2nd day of December, 1954 and shall remain in force upto and inclusive of the 2nd day of December, 1956.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if this Act had then been repealed by an Andhra Act.

**2. Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) 'forest' includes waste or communal land containing trees and shrubs, pasture land and any other class of land declared by the State Government to be a forest by notification in the Andhra Gazette.

*Explanation.*—For the purposes of this clause, 'communal land' means any land of the description mentioned in sub-clause (a) or sub-clause (b) of clause (16) of section 3 of the Madras Estates Land Act, 1908 (Madras Act I of 1908);

(b) 'owner' in relation to a forest includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest;

(c) 'person' includes a Hindu undivided family, a Marumakkattayam tarwad or tavazhi and an Aliyasantana family or branch.

(2) Any reference to a Madras Act in this Act, shall be construed as a reference to that Act as in force in the State of Andhra.

**3. Preservation of private forests.**—(1) (a) No owner of any forest shall, without the previous sanction of the District Collector, sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.

*Explanation.*—Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than trees and timber in the usual or customary manner, for a period not exceeding two years.

(b) Any alienation made on or after the 16th day of August, 1946 in contravention of clause (a) shall be null and void.



(2) No owner of any forest and no person claiming under him, whether by virtue of a contract, licence or any other transaction entered into before or after the commencement of this Act, or any other person shall, without the previous permission of the District Collector, cut trees or do any act likely to denude the forest or diminish its utility as a forest:

Provided that nothing contained in this sub-section shall apply to the removal of dead or fallen trees or to any act done for the usual or customary domestic purposes or for making agricultural implements.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the State Government may exempt any forest or class of forests or class of trees therein from all or any of the provisions of this section.

**4. Appeals.**—Any person aggrieved by an order under clause (a) of sub-section (1) of section 3 or under sub-section (2) of that section in regard to the sanction or permission referred to in that clause or sub-section may, within two months of the receipt of such order, prefer an appeal in writing to the State Government. The State Government shall pass such orders on the appeal as they may think fit

**5. Stay of certain civil and criminal proceedings.**—(1) All suits, proceedings in execution of decrees or orders and other proceedings including proceedings by way of appeal or revision, in which a claim to customary or prescriptive rights in a forest is involved and all criminal proceedings in respect of offences which are of the nature described in Chapter XVII of the Indian Penal Code (Act XLV of 1860), and arise out of any act done in exercise or assertion of such customary or prescriptive rights, and which stood stayed up to the 2nd day of December, 1954 or which may be instituted after the said date, shall continue to stand stayed, or shall stand stayed, as the case may be, and shall not be proceeded with until after the expiration of this Act.

(2) Notwithstanding anything contained in sub-section (1), the State Government may direct that any suit or proceeding or class or classes thereof stayed under sub-section (1) shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

**6. Power to prohibit or regulate certain acts.**—If, in the opinion of the State Government, it is necessary for the preservation of a forest or forests, they may, by notification in the Andhra Gazette,—

(i) prohibit or regulate the doing of any act likely to be detrimental to the preservation of such forest or forests;

(ii) regulate the exercise of customary or prescriptive rights in such forest or forests.

**7. Penalties.**—(1) Whoever contravenes the provisions of sub-section (1) or sub-section (2) of section 3 or any of the terms of a notification under section 6 shall be punishable with imprisonment which may extend to two years, or with fine which may extend to five thousand rupees, or with both.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any magistrate of the first class, specially empowered by the State Government in this behalf, to impose a sentence of fine exceeding one thousand rupees.

**8. Institution of prosecutions.**—No prosecution shall be instituted against any person without the sanction of the District Collector.

**9. Bar of suits.**—No order of the State Government or the District Collector under this Act and no notification issued by the State Government under section 6 shall be liable to be questioned in any court.

**10. Power to make rules.**—(1) The State Government may, by notification in the Andhra Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the classes or kinds of trees which may be permitted to be cut and the girth of such trees;

(b) the terms and conditions subject to which permissions may be granted;

(c) the procedure to be followed by the District Collector before granting permissions.

**11. Continuance of suits and proceedings after the expiration of the Act.**—All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed.

**12. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

**13. Savings.**—(1) Any rule, order, notification, decision, direction, action, proceeding, thing, liability, penalty or punishment made, issued, given, taken, done, incurred or awarded, or deemed to have been made, issued, given, taken, done, incurred or awarded, as the case may be—

(a) under any of the provisions of the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as in force in the State of Andhra immediately before its expiry on the 2nd day of December, 1954, or

(b) on or after the 3rd day of December, 1954, under any of the provisions of the said Act on the footing that the said Act was in force at the relevant time,

shall be deemed to have been made, issued, given, taken, done, incurred or awarded under the corresponding provision of this Act.

(2) Nothing contained in this Act shall render any person liable to any punishment or penalty whatsoever by reason of anything done or omitted to be done by him contrary to the provisions of this Act between the 2nd day of December, 1954 and the date of publication of this Act in the Andhra Gazette.

**14. Indemnity for acts, etc., done after expiry of Madras Acts XVIII of 1946 and XXVII of 1949.**—(1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the State Government or any person acting under his direction or aiding or assisting him—

(a) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him, in the exercise of any jurisdiction or power purporting to have been conferred on him by the Madras Preservation of Private Forests Act, 1946 (Madras Act XVIII of 1946), or the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), or

(b) for carrying out any sentence passed by any court in the exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the State Government for, or on account of, or in respect of, any act, matter or thing whatsoever purporting to have been done in pursuance of, or under, either of the said Acts.

(3) Sub-sections (1) and (2) shall have effect although either of the said Acts was not or might not have been in force at the relevant time.

**15. Repeal.**—The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), is hereby repealed.

RAJENDRA PRASAD,

*President.*

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#### *Reasons for the enactment*

The Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), was passed with a view to prevent the indiscriminate destruction of private forests and interference with the customary and prescriptive rights therein. It requires the previous sanction of the District Collector for selling, mortgaging, leasing or otherwise alienating private forests.

The Act applies to forests situated in estates as defined in the Madras Estates Land Act, 1908 (Madras Act I of 1908), and also to private forests situated in other areas in the State of Andhra having a contiguous area of 100 acres which may be declared by the State Government to be forests for the purposes of the Act by notification in the Gazette.

The life of the Act was extended from time to time and on the last occasion when this was done up to the 2nd December, 1954, it was anticipated that a Bill which was then under contemplation for amending the Madras Forest Act, 1882 (Madras Act IV of 1882), and

which was to embody *inter alia* the essential provisions of the Madras Preservation of Private Forests Act, would be passed into law before that date. This Bill is, however, still under consideration. Apart from this, there are still several estates which are yet to be taken over under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948). There are also several estates to which the Abolition Act aforesaid does not at present apply, such as the estates in which both the melwaram as well as the kudiwaram vest in the land-holder, etc. The need for preserving the forests in all such estates and for giving protection in respect of the private forests situated in areas other than 'estates' in the State, therefore, continues to remain as before. A Bill seeking to extend the life of the Act up to the 2nd December, 1956, was under the consideration of the Government of Andhra, but before it could be passed into law, the Ministry demitted office and the Andhra Legislative Assembly has also been dissolved. As the Madras Preservation of Private Forests Act, 1949, has since expired on the 2nd December, 1954, the present measure re-enacts it from the same date with the necessary consequential amendments therein.

A. V. PAI,

*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

## THE ANDHRA CHRISTIAN MARRIAGE VALIDATION ACT, 1954

No. 13 OF 1954

Enacted by the President in the Fifth Year of the Republic of  
India.

[9th December, 1954]

An Act to validate the marriage of Sri Axel Hugo Johansson and  
Srimathi Carol Belle Brown.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title.**—This Act may be called the Andhra Christian Marriage Validation Act, 1954.

**2. Validation of a marriage solemnised by the Rev. John C. Peery after the revocation of his licences.**—(1) The marriage of Sri Axel Hugo Johansson and Shrimathi Carol Belle Brown solemnized by the Rev. John C. Peery of the United Lutheran Church Mission in the district of Guntur, on the 13th day of December, 1952, and the certificate granted, the register book and extracts therefrom deposited, and the other acts and things done, in respect of, or in relation to, that marriage, shall not be deemed to be invalid by reason only of the fact that the licences granted under the Indian Christian Marriage Act, 1872 (XV of 1872) to the said Rev. John C. Peery on the 16th day of March, 1950 had been revoked.

(2) The certificate of the marriage validated by sub-section (1), and the register book and extracts therefrom referred to in that sub-section, shall be received as evidence of the marriage without further proof thereof.

RAJENDRA PRASAD,  
*President.*

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*Reasons for the enactment*

Licences under sections 6 and 9 of the Indian Christian Marriage Act, 1872 (XV of 1872), to solemnize marriages and to grant certificates of marriage between Indian Christians were issued by the Government of Madras to the Rev. John C. Peery of the United Lutheran Church Mission in the district of Guntur on the 16th March, 1950. These licences were revoked by that Government on the 24th December, 1951 and the revocation was duly notified in the Fort St. George Gazette. In ignorance of the revocation of his licences, the Rev. John C. Peery solemnized the marriage of two Baptist Missionaries in Ongole on the 13th December, 1952. There is no reason to doubt that the parties to the marriage believed in good faith that their marriage had been duly solemnized, and the certificate thereof duly granted, by a person competent to do so. The present enactment, therefore, validates the marriage solemnized, the certificate granted and the other incidental acts and things done by the Rev. John C. Peery after the licences granted to him were revoked.

A. V. PAI,  
*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

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THE ANDHRA INAM TENANTS PROTECTION  
ACT, 1954

No. 14 of 1954

Enacted by the President in the Fifth Year of the  
Republic of India.

[9th December, 1954]

An Act to provide for the temporary protection of certain classes  
of tenants in the State of Andhra.

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title, application, commencement and duration.**—(1) This Act may be called the Andhra Inam Tenants Protection Act, 1954.

(2) It applies to tenants in any hamlet, khandriga or substantial portion of an inam village, of which the grant as inam has been made, confirmed or recognized by the Government, notwithstanding that subsequent to the grant, the hamlet, khandriga or portion of village aforesaid has been partitioned among the grantees, or the successors-in-title of the grantee or grantees, and which under the law as it now stands is not treated as an estate under the Madras Estates Land Act, 1908 (Madras Act I of 1908).

*Explanation.*—The expression “substantial portion of an inam village” means a portion of an inam village, the area of which is not less than one-half of the total extent of the village exclusive of the lands, if any, which have already been granted on service or other tenure or been reserved for communal purposes.

(3) It shall come into force on the 9th day of December, 1954 and shall remain in force for a period of two years.

(4) Upon the expiry of this Act, the provisions of section 8 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), shall apply as if this Act had then been repealed by an Andhra Act.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(1) “Court” means the Civil Court having jurisdiction under the Code of Civil Procedure, 1908 (Act V of 1908), to entertain a suit for the possession of the inam land;

(2) “inamdar” includes the assignee, heir or other legal representative of the inamdar;

(3) “inam land” means an inam land of the description mentioned in section 1, sub-section (2);

(4) “prescribed” means prescribed by rules made under this Act;

(5) “rent” means whatever is payable in money or in kind or in both, on account of the use or occupation of land by the tenant, in accordance with agreement between the tenant and the inamdar or if there is no such agreement, in accordance with the custom or usage of the locality;

(6) “tenant” means a person who holds any inam land for the purpose of cultivation on condition of paying rent to the inamdar.

**3. Tenants not to be evicted.**—During the continuance of this Act and subject to the provisions of section 4, no tenant of an inam land shall be evicted by the inamdar in pursuance of a decree or order for eviction.

**4. Stay of suits and proceedings for eviction of tenants.**—(1) All suits, proceedings in execution of decrees or orders and other proceedings for the eviction of tenants from inam lands, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, which are pending at the commencement of this Act or which

may be instituted after such commencement in any Court, shall stand stayed subject to the provisions of the following sub-sections:

Provided that nothing contained in this sub-section shall affect the power of the Court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, 1908 (Act V of 1908), with a view to prevent wilful waste by the tenant or any person claiming under him.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall, subject to the provisions of sub-section (9) and within two months from the commencement of this Act or from the date on which notice of the suit is served on him by the Court (which service shall be the duty of the Court), as the case may be, deposit in Court, for payment to the inamdar—

(i) in the case of a suit instituted before the commencement of this Act, the arrears of rent accrued due until such commencement, at the rate claimed in the plaint, or an amount equivalent to rent for two years immediately preceding such commencement at the rate aforesaid, whichever is less,

(ii) in the case of a suit instituted on or after the commencement of this Act, the arrears of rent claimed in the plaint, or an amount equivalent to rent for two years immediately preceding the date of service of the notice, at the rate claimed in the plaint, whichever is less,

together with such interest as may be payable under law, custom or agreement up to the date of deposit.

(3) In the case of a proceeding in execution of a decree or order for eviction, where the decree or order provides for the payment of rent—

(i) if the proceeding was instituted before the commencement of this Act, the tenant shall deposit in Court for payment to the inamdar, within two months from such commencement, (a) the amount payable under the decree or order, or (b) the rent for two years immediately preceding such commencement, whichever is less, or

(ii) if the proceeding is instituted on or after such commencement, the tenant shall deposit in Court for payment to the inamdar within two months from the date on which notice of the proceeding is served on him by the Court (which service shall be the duty of the Court), (a) the amount payable under the decree or order, or (b) the rent for two years immediately preceding the date aforesaid, whichever is less,

together with such interest as may be payable under law, custom or agreement up to the date of deposit.

(4) Where, before the institution of any suit or proceeding of the description referred to in sub-section (1), a tenant has paid to the inamdar or deposited in Court for payment to him, an amount equivalent to the rent for two years immediately preceding the date of payment or deposit or to the rent due up to such date, whichever

is less, together with such interest as may be payable up to such date, under law, custom or agreement, and has continued to pay or deposit as aforesaid each year's rent, within a period of two months from the date on which it accrued due, the tenant shall not be liable to make the deposit referred to in sub-section (2) or sub-section (3).

(5) Notwithstanding the expiry of the period specified in sub-section (2) or (3), the Court may, if satisfied that the tenant was prevented by sufficient cause from making the deposit within the period aforesaid, allow the deposit to be made within a specified period not exceeding one month and may extend it by such period or periods not exceeding one month more in the aggregate, as it thinks fit.

(6) Where a suit or other proceeding is stayed under sub-section (1), the tenant shall, so long as this Act is in force, deposit or continue to deposit in Court, for payment to the inamdar, each year's rent as it accrues due, within a period of two months from the date on which it becomes payable or such further period or periods not exceeding two months in the aggregate as may be allowed by the Court.

(7) The deposit specified in sub-sections (2), (3), (4) and (6) may be made by the tenant or any person whose interests are likely to be affected by the eviction.

(8) If the deposit required by sub-section (2), (3) or (6) is not made within the time specified therein or within such time as may be granted under sub-section (5) or sub-section (6), the Court shall proceed with the suit, execution proceeding or other proceeding, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

(9) Where any dispute arises between the tenant and the inamdar as to the rate at which the rent is payable, the Court shall, on the application of the tenant or the inamdar, and after hearing the party or parties affected, determine the fair rent for such land having due regard to the prevailing rates of rent in the locality for similar lands in similar circumstances; and until the Court determines the fair rent the tenant shall deposit and continue to deposit rent at the rate admitted by him, within the time before which rents are required to be deposited by this Act.

(10) Where a deposit has been made under sub-section (2), (3), (4) or (6) and there is a dispute in regard to the existence of the arrears of rent or the amount thereof, the Court may—

(i) refuse to pay without proper security to the inamdar the whole of the amount deposited or, as the case may be, the portion thereof which is in dispute; or

(ii) direct the payment of the same to the inamdar on such terms and conditions as it thinks fit.

(11) The provisions of sub-sections (1) to (10) shall apply *mutatis mutandis* to all proceedings pending at the commencement of this Act or instituted thereafter, in any Court of appeal or revision.



**5. Presumption as to rate and amount of rent.**—(1) In all proceedings under this Act the rent or rate of rent lawfully payable by a tenant at the commencement of fasli year 1364 shall be presumed to be fair and equitable until the contrary is proved.

(2) If a question arises as to the amount of rent payable by a tenant in any fasli year, he shall be presumed until the contrary is shown, to hold at the same rate and under the same conditions as in the last preceding fasli year.

**6. Continuance of suits and proceedings after the expiration of the Act.**—All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed:

Provided that, in the case of a suit instituted after the commencement of this Act, the Court may, if satisfied that such suit is vexatious or unnecessary, deprive the plaintiff of his costs and award costs to the defendant.

**7. Reinstatement of tenants evicted before the commencement of this Act.**—(1) Every tenant who was in possession of an inam land on the 1st day of October, 1953, but who is not in possession thereof at the commencement of this Act, having been evicted from the land by or at the instance of his inamdar, whether in execution of a decree or order of a Court or otherwise, shall be entitled to be restored to possession of that land as hereinafter provided.

(2) Any tenant entitled to be restored to possession of an inam land under sub-section (1) shall, within thirty days from the commencement of this Act, serve a notice in the prescribed manner on the inamdar and any other person who was admitted to possession of the land on or after the 1st day of October, 1953 demanding possession of the land, and if he does not get such possession within seven days from the date of service of such notice, he may institute a suit for possession of the land within three months from the commencement of this Act against the inamdar and the other person aforesaid:

Provided that in the case of any inam land which was also an inam land as defined in the Andhra Tenants Protection Ordinance, 1954 (Andhra Ordinance IV of 1954), the reference to "the commencement of this Act" in this sub-section shall be construed as a reference to "the 26th day of August, 1954", but it shall be open to the Court to entertain any suit filed by the tenant of any such inam land within one month from the commencement of this Act if the Court is satisfied that the tenant was prevented by sufficient cause from not filing the suit within the time specified in the Ordinance.

(3) The Court before which a suit is instituted under sub-section (2) shall, on proof of the facts stated in sub-section (1), pass a decree for possession and impose therein such conditions as the Court may consider just and equitable, including any condition in regard to the reimbursement by the plaintiff of the inamdar or the tenant in possession of the land on the date of the suit, as the case may be, in respect of any labour done, and any expenses incurred, by such

inamdar or other person during the period of his possession, if an agreement is not reached between the parties as regards the rate and manner of such reimbursement.

(4) A tenant so restored to possession shall be entitled to all the rights conferred, and be subject to all the obligations imposed, on a tenant by this Act as if he had been in possession of the inam land as a tenant at the commencement of this Act.

(5) The provisions of this section shall have effect notwithstanding anything to the contrary contained in any other law, custom, contract, or decree or order of a Court.

**8. Appeal.**—Any person aggrieved by an order of the Court under sub-section (9) of section 4 or under sub-section (3) of section 7 may prefer an appeal to the Appellate Court to which an appeal ordinarily lies from that Court within the time prescribed.

*Explanation.*—The provisions of this section shall not be construed as barring any right of appeal in cases not falling under this section, if, in such cases, an appeal would lie under the Code of Civil Procedure, 1908 (Act V of 1908), or any other law for the time being in force.

**9. Power to make rules.**—(1) The State Government may, by notification in the *Andhra Gazette*, make rules to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the investment of Courts with powers to try summarily suits for restoration of tenants;

(b) the fees payable on suits, applications and appeals filed under this Act;

(c) all matters expressly required or allowed by this Act to be prescribed.

**10. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty.

**11. Repeal of Andhra Ordinance IV of 1954.**—(1) The Andhra Tenants Protection Ordinance, 1954 (Andhra Ordinance IV of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the corresponding power conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

*President.*

*Reasons for the enactment*

Under section 3(2)(d) of the Madras Estates Land Act, 1908 (Madras Act I of 1908), an estate includes an inam village of which the grant has been made, confirmed or recognised by the Government notwithstanding that subsequent to the grant, that village has been partitioned among grantees. In recent years, Courts have held that where the inam lands granted do not form a whole village, they do not constitute an "estate" within the meaning of section 3(2)(d) aforesaid. As a result, landholders of such inam lands have been resorting to large-scale evictions of their tenants. Pending the enactment of permanent legislation to safeguard the rights and privileges of tenants in such inam lands, the Government of Andhra considered it necessary to provide for temporary protection against eviction of tenants of such lands subject to the condition that the tenants pay to the inamdar concerned, or deposit in Court for such payment, the arrear rents due for two faslis and also pay the rent regularly in future as and when it accrues due. In order to achieve this object, the Andhra Tenants Protection Ordinance, 1954 (Andhra Ordinance IV of 1954), which was based largely on the provisions of the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), was promulgated. The Ordinance further provided for the reinstatement of tenants evicted on or after the 1st October, 1953 and before the commencement of the Ordinance. The present enactment replaces the Ordinance. Provision has also been made for the determination of fair rents in cases of dispute.

A. V. PAI,

*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

**THE MADRAS DISTRICT BOARDS (AMENDMENT)  
ANDHRA SECOND AMENDMENT ACT, 1954**

**No. 15 OF 1954**

**Enacted by the President in the Fifth Year of the Republic of India.**

*[9th December 1954]*

**An Act to extend the duration of the Madras District Boards (Amendment) Act, 1953.**

In exercise of the powers conferred by section 3 of the Andhra State Legislature (Delegation of Powers) Act, 1954 (45 of 1954), the President is pleased to enact as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Madras District Boards (Amendment) Andhra Second Amendment Act, 1954.

(2) It shall come into force on the 9th day of December, 1954.

**2. Amendment of section 1, Madras Act V of 1953.**—In sub-section (2) of section 1 of the Madras District Boards (Amendment) Act, 1953 (Madras Act V of 1953), as in force immediately before the commencement of the Madras District Boards (Amendment) Andhra Second Amendment Ordinance, 1954 (Andhra Ordinance

VI of 1954), for the figures, letters and word "30th September, 1954", the figures, letters and word "10th December, 1955" shall be substituted.

**3. Repeal of Andhra Ordinance VI of 1954.**—(1) The Madras District Boards (Amendment) Andhra Second Amendment Ordinance, 1954 (Andhra Ordinance VI of 1954), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

RAJENDRA PRASAD,

*President.*

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*Reasons for the enactment*

Under the Madras District Boards (Amendment) Act, 1953 (Madras Act V of 1953), power was taken to appoint Special Officers for all district boards from the date of expiry of the term of office of the members of district boards until the 31st March, 1954, pending the holding of elections to the boards. The reports of the Special Officers who were appointed disclosed that the financial position of most of the district boards was grave and that it was necessary to continue their appointments, firstly, to put the finances in order and, secondly, to work out the details of alternative arrangements. By Andhra Act III of 1954, the term of office of the Special Officers was extended upto the 30th September, 1954.

The question of reorganising the district boards so that their administration may run effectively is still under consideration. Pending consideration of this question, the term of office of all Special Officers was extended for a period of 6 months from the 1st October, 1954, by Andhra Ordinance VI of 1954. This Ordinance, which will expire on the 10th December, 1954, has now to be replaced by an Act. It is considered that the question of replacing district boards by other agencies should be left to the new Ministry which is expected to assume office some time in April, 1955. As the new Ministry will require some time to consider this question, it is proposed to extend the term of Special Officers upto the 10th December, 1955, instead of 31st March, 1955, as provided in the Ordinance.

A. V. PAI,

*Secy. to the Govt. of India,  
Ministry of Home Affairs.*

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K. Y. BHANDARKAR,

*Secy. to the Govt. of India.*